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Encinitas, CA 92024

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**July 13, 2015**

Pamela Harrison  
Agent for Service of Process  
Harrison Trucking Inc  
Irwindale Equipment Corp  
8801 Olive LN.  
Santee CA 92071

**VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Re: Clean Water Act Notice of Intent to Sue/60-Day Notice Letter  
Harrison Trucking Violations of General Industrial Permit**

Dear Ms. Harrison:

Please accept this letter on behalf of the Coastal Environmental Rights Foundation (CERF) regarding Harrison Trucking Inc and Irwindale Equipment Corp's violations of the State Water Resources Control Board Water Quality Order No. 97-03-DWQ, Natural Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001, and Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities (General Industrial Permit). This letter constitutes CERF's notice of intent to sue for violations of the Clean Water Act and General Industrial Permit for Harrison Trucking Inc and Irwindale Equipment Corp, located at 8801 Olive Ln, Santee, CA ("Facility" or "Harrison"), as set forth in more detail below.

Section 505(b) of the Clean Water Act requires that sixty (60) days prior to the initiation of a citizen's civil lawsuit in Federal District Court under Section 505(a) of the Act, a citizen must give notice of the violations and the intent to sue to the violator, the Administrator of the U.S. Environmental Protection Agency, the Regional Administrator of the U.S. Environmental Protection Agency for the region in which the violations have occurred, the U.S. Attorney General, and the Chief Administrative Officer for the State in which the violations have occurred (33 U.S.C. § 1365(b)(1)(A)). This letter provides notice of Harrison's Clean Water Act violations and CERF's intent to sue.

**I. Coastal Environmental Rights Foundation (CERF)**

CERF is a non-profit public benefit corporation organized under the laws of the State of California with its main office in Encinitas, CA. CERF is dedicated to the preservation, protection, and defense of the environment, the wildlife, and the natural resources of the California Coast. Members of CERF use and enjoy the waters into which pollutants from Harrison's ongoing illegal activities are discharged into the San Diego River and Forester Creek, and eventually the Pacific Ocean. The public and members of CERF use the San Diego River and Forester Creek to fish, sail, boat, kayak, surf, swim, scuba dive, birdwatch, view wildlife, and to engage in scientific studies. The discharge of pollutants by Harrison Trucking Facility affects and impairs each of these uses. Thus, the interests of CERF's members have been, are being, and will continue to be adversely affected by Harrison Trucking Owners and/or

Act, punishable by a minimum of \$37,500 per day of violation. (33 U.S.C. §1319(d); 40 CFR 19.4).

**C. Failure to Monitor**

The Harrison Trucking Owners and/or Operators have further failed to sample as required for the 2010-2011, 2011-2012, 2012-2013, 2013-2014 and 2014-2015 years. Sections B(5) and (7) of the General Industrial Permit require dischargers to visually observe and collect samples of storm water discharged from all locations where storm water is discharged. Facility operators, including the Harrison Owners and/or Operators, are required to collect samples from at least two qualifying storm events each wet season, including one set of samples during the first storm event of the wet season. Required samples must be collected by Facility operators from all discharge points and during the first hour of the storm water discharge from the Facility. Sampling of stored or contained storm water shall occur any time the stored or contained storm water is released.

The Harrison Trucking Owners and/or Operators have completely failed to meet these monitoring requirements for the 2010-2011, 2011-2012, 2012-2013, 2013-2014 and 2014-2015 periods, despite the fact that there were numerous qualifying rain events during these wet seasons. (See Exhibit B, rainfall data).

In fact, many of Harrison Trucking's neighbors were able to monitor during these wet seasons. Advance Electromagnetics, located at 9311 Stevens Road in Santee, was able to sample on May 6, 2013 and March 3, 2014. In addition, Valley Box Company, Inc, located at 16011 Prospect Avenue, Santee, was able to sample twice during the 2012-2013 wet season, on December 13, 2012 and December 18, 2012. Valley Box Company, Inc also sampled on February 28, 2014.

RCP Block and Brick, Inc, located at 9631 Magnolia, Santee, and Artistic Marble & Granite, Inc, located at 9323 Stevens Road, Santee were likewise able to sample on December 13, 2012. Artistic Marble & Granite, Inc also sampled on January 25, 2013, December 19, 2013, and February 3, 2014.

The Harrison Trucking Owners and/or Operators therefore had numerous opportunities to sample but failed to do so. They are thus subject to penalties in accordance with the General Industrial Permit – punishable by a minimum of \$37,500 per day of violation. (33 U.S.C. §1319(d); 40 CFR 19.4).

**D. The Harrison Trucking Facility Discharges Contaminated Storm Water in Violation of the General Industrial Permit**

Though the Harrison Trucking Owners and/or Operators have consistently failed to monitor as required, what monitoring has been done indicates consistent exceedances and violations of the General Industrial Permit.

Date	Parameter	Units	Result	Benchmark/WQO
1/21/2010 (north gate)	TSS	mg/L	161	100

which the facility is located. Both the General Industrial Permit and the Clean Water Act make it unlawful to falsify reports, punishable by a \$10,000 fine or by imprisonment, or both. (General Industrial Permit, Section C.19; 33 U.S.C. §1319(c)(4)). In addition to knowing falsification, negligent violation of the Clean Water Act is also punishable through criminal penalties. (33 U.S.C. §1319(c)(1)).

The 2012-2013 Annual Report indicates two storms were sampled as required, but only one storm was sampled – without explanation. Further, the one sampling event allegedly occurred on January 23, 2012, which is not part of the 2012-2013 wet season.

Every day the Harrison Owners and/or Operators fail to submit an accurate Annual Report for the Facility is a separate and distinct violation of the General Industrial Permit and Section 301(a) of the Clean Water Act. (33 U.S.C. § 1311(a)). The Harrison Owners and/or Operators have been in daily and continuous violation of the General Industrial Permit's reporting requirements every day since at least July 2, 2010. These violations are ongoing and the Harrison Facility Owners and/or Operators will continue to be in violation every day they fail to revise and submit an accurate 2012-2013 Annual Report.

### **III. Remedies**

Upon expiration of the 60-day period, CERF will file a citizen suit under Section 505(a) of the Clean Water Act for the above-referenced violations. During the 60-day notice period, however, CERF is willing to discuss effective remedies for the violation noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately. If good faith negotiations are not being made, at the close of the 60-day notice period, CERF will move forward expeditiously with litigation.

CERF's action will seek all remedies available under the Clean Water Act § 1365(a)(d). CERF will seek to enjoin the illegal discharges unless Harrison submits its annual report as mandated by the Clean Water Act. CERF will also seek the maximum penalty available under the law which is \$37,500 per day.

Harrison must develop and implement a SWPPP and submit its annual report for the 2011-2012 and 2014-2015 years, consistent with the sampling and monitoring of storm water discharges required in the General Industrial Permit. Should the Harrison Owners and/or Operators fail to do so, CERF will file an action against Harrison for its prior, current, and anticipated violations of the Clean Water Act.

CERF may further seek a court order to prevent Harrison from discharging pollutants. A strong or substantial likelihood of success on the merits of CERF's claim exists, and irreparable injuries to the public, public trust resources, and the environments will result if the Facility further discharges pollutants into the San Diego River and Forester Creek. The cessation of the Facility's discharge will not cause substantial harm to others, and the public interest would be served in preventing discharge of pollutants into receiving waters.

Lastly, section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorneys' and experts' fees. CERF will seek to recover all of its costs and fees pursuant to section 505(d).

# EXHIBIT A

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**Enforcement Actions**

<u>Enf Id</u>	<u>Enf Type</u>	<u>Enf Order No.</u>	<u>Effective Date</u>	<u>Status</u>
S414401	1st Annual Report Notice of Non-Compliance		12/10/2013	Historical
S413846	1st Annual Report Notice of Non-Compliance		11/06/2013	Historical
S413732	Verbal Communication		10/15/2013	Active
S410872	2nd Annual Report Notice of Non-Compliance		11/20/2012	Historical
S410307	13267 Letter/Order		10/09/2012	Active
S410305	1st Annual Report Notice of Non-Compliance		10/09/2012	Historical
S409967	Staff Enforcement Letter		09/18/2012	Active
S406465	Notice of Violation	R9-2011-0074	07/04/2011	Historical
S402311	1st Annual Report Notice of Non-Compliance		08/20/2010	Historical
S400523	Notice of Violation		07/01/2009	Active
S330098	Notice of Violation		08/13/2007	Historical
S235285	Notice to Comply		01/05/2001	Historical
Total Enf Actions: 12				

**Inspections**

<u>Inspection ID</u>	<u>Inspection Type</u>	<u>Lead Inspector</u>	<u>Actual End Date</u>	<u>Planned</u>	<u>Violations</u>	<u>Attachment</u>
S2020041	Non-compliance Follow-up	Whitney Ghoram	10/15/2013	N	1	N/A
S2016457	Non-compliance Follow-up	Whitney Ghoram	09/18/2012	N	0	N/A
S2013549	Enforcement Follow-up	Whitney Ghoram	12/20/2011	N	0	N/A
S324010	B Type compliance		01/05/2001	N	0	N/A
Total Inspections: 4		Last Inspection: 10/15/2013				

The current report was generated with data as of: 06/23/2015  
 Regional Boards are in the process of entering backlogged data.  
 As a result, data may be incomplete.

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# Qualifying Rainfall Events (.1 inches of rain or more) During Business Hours

## NOAA National Climactic Data Center

Stations: COOP:047740 - SAN DIEGO LINDBERGH FIELD, CA US

Data Types: HPCP - Precipitation (100th of an inch)

2009

Month	Inches	Time:
6-Feb	0.61	
7-Feb	0.74	
8-Feb	0.2	
9-Feb	0.21	8:00 AM
10-Feb	0.34	
14-Feb	0.13	
16-Feb	0.62	12:00 PM
22-Mar	0.22	11:00 AM
31-May	0.13	
4-Jun	0.13	
29-Nov	0.35	
7-Dec	0.13	9:00 AM
8-Dec	1.99	
12-Dec	0.13	
13-Dec	0.88	
<b>TOTAL</b>	<b>6.81</b>	

2010

Month	Inches	Time:
18-Jan	0.1	4:00 PM
19-Jan	1.4	1:00 PM
20-Jan	7.4	
21-Jan	1.65	12:00 PM
22-Jan	1.41	
23-Jan	0.29	
27-Jan	0.14	
6-Feb	0.17	11:00 AM
7-Feb	0.27	
10-Feb	0.47	
20-Feb	0.49	
22-Feb	0.12	
27-Feb	0.2	
28-Feb	1.27	
7-Mar	0.38	10:00 AM
8-Mar	0.3	
1-Apr	0.49	
6-Apr	0.15	
12-Apr	0.65	4:30 PM
22-Apr	0.47	
6-Oct	0.43	
20-Oct	0.9	12:00 PM
21-Oct	0.12	
30-Oct	0.38	8:00 AM
20-Nov	0.69	2:00 PM
21-Nov	0.12	11:00 AM
24-Nov	0.87	
20-Dec	0.83	
21-Dec	3.46	8:00 AM
22-Dec	0.48	8:00 AM
26-Dec	0.69	
30-Dec	1.8	9:00 AM
<b>TOTAL</b>	<b>28.59</b>	

**Qualifying Rainfall Events (.1 inches of rain or more) During Business Hours**

**NOAA National Climactic Data Center**

**Stations:** COOP:047740 - SAN DIEGO LINDBERGH FIELD, CA US

**Data Types:** HPCP - Precipitation (100th of an inch)

2013

<u>Month</u>	<u>Inches</u>
7-Jan	0.26
25-Jan	0.23
26-Jan	0.73
27-Jan	0.1
9-Feb	0.15
20-Feb	0.3
9-Mar	0.2
21-Nov	0.28
22-Nov	0.2
8-Dec	0.17
20-Dec	0.1
<b>TOTAL</b>	<b>2.72</b>

2014

<u>Month</u>	<u>Inches</u>
3-Feb	0.25
7-Feb	0.37
27-Feb	0.1
28-Feb	0.46
1-Mar	0.76
2-Mar	0.6
2-Apr	0.22
26-Apr	0.13
<b>TOTAL</b>	<b>2.89</b>

2/20/02  
COW



# CITY OF SANTEE

MAYOR  
Randy Voepel

CITY COUNCIL  
Jim Bartell  
Jack E. Pale  
Lori Howard  
Hoi Ryan

CITY MANAGER  
Keith Till

August 20, 2002

## General Industrial Permit - Stormwater Compliance Report

Attn: Hal Harrison

Facility: Harrison Trucking, Inc.  
8801 Olive Lane  
Santee, CA 92071

On July 25, 2002, the City of Santee performed a routine Stormwater Compliance Inspection of Harrison Trucking, Inc. This letter is in response to inspection findings.

### Required Corrective Actions:

1) **Stormwater Pollution Prevention Plan (SWPPP) Updates:** Upon review of the current facility SWPPP, the following sections will require some form of revision, updating, or further development:

- a) **List of Significant Materials:** According to section **A.5** of the State Water Resources Control Board (SWRCB) General Industrial Permit (Order No. 97-03-DWQ), *The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.*

This should include any manifested and/or inventoried hazardous materials such as gear oil or anti-freeze.

- b) **Description of Potential Pollutant Sources:** According to section **A.6.a.ii** of the State Water Resources Control Board (SWRCB) General Industrial Permit (Order No. 97-03-DWQ), *Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.*

In addition, please reference section **A.6.a.iii** of the above named in order to: *Describe all industrial activities that generate dust or particulate that may be*



5) Visit the State Water Resources Control Board web site to download a full copy of the Industrial Activities Storm Water General Permit. In addition, this web site will offer guidance and information regarding the permitting process and requirements.

<http://www.swrcb.ca.gov/stormwtr/industrial.html>

All Required Corrective Actions listed above need to be addressed within thirty (30) days from the date of this letter. Following all corrective actions or with any questions, please call Erik Steenblock at (619) 258-4100 x177.

Thank you for you for your cooperation and attention to this matter, and feel free to call with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik R. Steenblock". The signature is fluid and cursive, with the first name "Erik" being more prominent.

Erik R. Steenblock  
Stormwater Compliance Inspector